

Closing Comments

This amendment is intended to particularly point out the specific structures that are disclosed in the specifications and drawings that correspond to the means recited in paragraphs c) and d) of claim 3.

In response to the examiners observation that the indefiniteness of means language relative to paragraphs c) and d) were by way of example, the applicant has also amended the specifications to contain a paragraph that provides antecedence for the means language of paragraphs h) and I) of claim 3.

The applicant has taken care that the amendments submitted do not add any new matter to the drawings, specifications or claims. With regard to the amendment to the drawings, the applicant has prepared the amendment according to the amendment revision procedures provided by the examiner with the office action. He has added a numeral 45 to the drawings and a paragraph to the claims to provide antecedence to the means language of paragraphs c) and d) of claim 3. The addition of the numeral 45 to the nut shown in figure 3 and the paragraph amending the specifications to make specific that the nut 45 shows a structure that represents the means for securing the knife on the mandrel, do not add any new matter to the application as filed.

The paragraph amending the specifications on page 9 of the application makes specific what is commonly known in the art, that electrical and electronic modules and/or chips provide a means for performing a multiplicity of functions as a part of a single structure. The paragraph is redundant in that regard, but it provides

antecedence in the specifications for the means language of paragraphs h) and i) of claim 3 without adding any new matter to the application.

This application was filed in December of 1998. It has now reached the state where it is implied by the board and the examiner that the application has patentable content but is indefinite for failure to particularly point out the structures disclosed in the specifications that correspond to the means recited in claim 3. The nut in figure 3 has now been identified and the means for securing the knife in place recited in paragraph d) and the key 41 as the index engaging means recited in paragraph c).

With regard to the means language of paragraphs h) and i) the applicant has provided a new paragraph that particularly points out the electronic functions that provides the means recited in paragraphs h) and i) and particularly points out the parts of the controller 17's operational sequencing that correspond to the means recited in claim 3, without adding new matter to the claims.

Having so amended his specifications and claims to respond affirmatively the 35 USC 112 grounds for rejection presented by the examiner, the applicant now asks that the above submitted amendments be entered into the application and that his claim 3 be now found to be allowable and that his application for a KNIFE INDEX be allowed to issue as a United States Letters Patent.

In view of the long and troubled history of this application the applicant further asks that, if the examiner should not find that this amendment can be entered, and the claim be found allowable, that

the examiner contact the applicant and advise him of any action that he might take to avoid a second appeal in this case.

Respectfully submitted by



Russell L. Johnson

Patent Agent (26,918)

P.O. Box 161

Weyauwega WI 54983-0161

920/867-3482

Inventor: Mark Rasper
Title: KNIFE INDEXING APPARATUS
Filing Date: 12/28/98
Serial No.: 09/222,282 ANNOTATED MARKED-UP DRAWINGS

Art Unit: 3734
Examiner: Prone, Jason D.
Contact: Russell Johnson
Phone: 920/867-3482

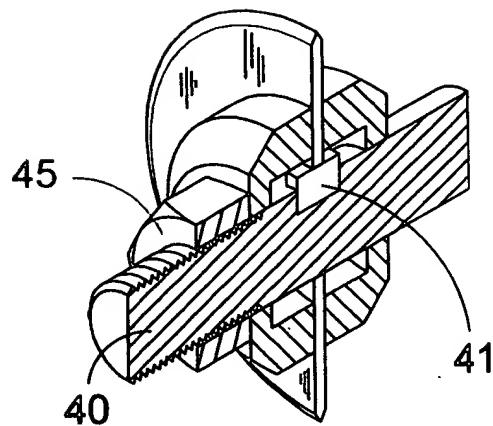
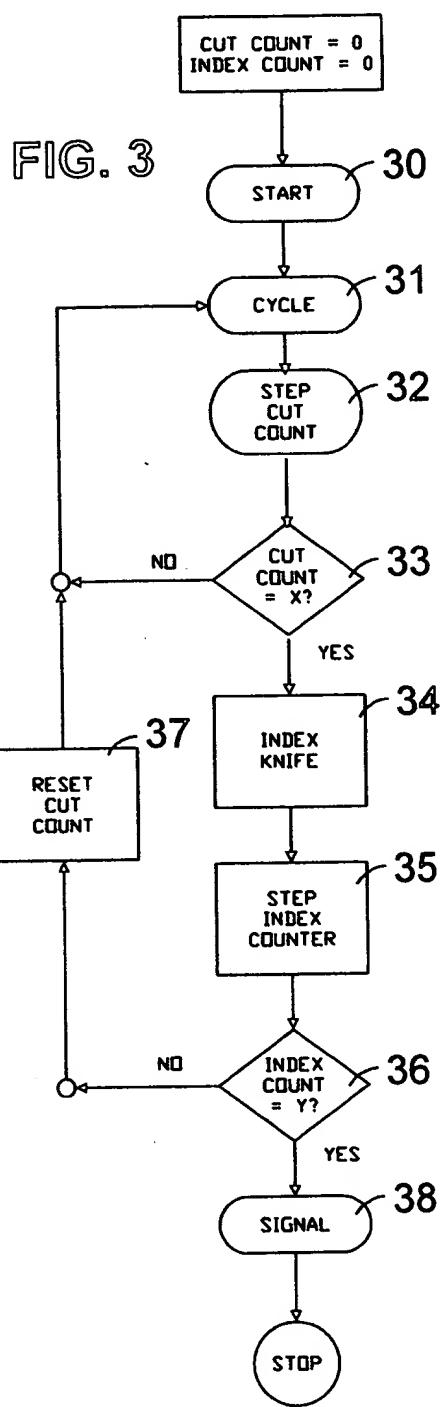


FIG. 4